

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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JAN 21 2005
Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Columbus and Monona, Wisconsin))

MM Docket No. _____
RM- _____

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JAN 18 2005

Federal Communication Commission
Bureau / Office

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Good Karma Broadcasting, LLC ("Good Karma"), licensee of broadcast station WTLX(FM), Columbus, Wisconsin, pursuant to Section 1.401 of the Commission's Rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, by deleting Channel 263A at Columbus, Wisconsin, and assigning that channel for use at Monona, Wisconsin, as that community's first local aural service. Good Karma will promptly file an application to effectuate the proposed modification upon the approval of the revised allotment.

I. Introduction

Section 1.420(i) of the Commission's Rules provides for the modification of a station's license to specify a new community of license without affording other interested parties the opportunity to file competing expressions of interest provided that (i) the proposed community of license qualifies as a "community" under Commission policies; (ii) the proposed allotment is mutually exclusive with the station's existing allotment; and (iii) such a change in community of license would result in a "preferential arrangement of allotments." *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Modification Report & Order").

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II. Monona is a Community Deserving of an FM Channel Allotment

Under Section 307(b) of the Communications Act of 1934, as amended (the “Act”), the Commission may award licenses to applicants who propose to serve a particular community. The Commission defines a “community” as a “geographically identifiable population grouping.” *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 101 (1982) (“*FM Policies Order*”). The Commission has also explained that “[g]enerally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to demonstrate its [community] status.” *Arnoldsburg, West Virginia*, 15 FCC Rcd 9210 (MMB 2000). Monona, which was originally incorporated as a village in 1938 and subsequently incorporated as a city in 1969, is listed in the 2000 US Census as having a population of 8,018 persons. As explained in greater detail below, Monona has its own government, services and civic identity. Accordingly, under the principles explained in *Arnoldsburg*, Monona is a community for purposes of satisfying Section 307(b).¹

III. Technical Analysis of Proposed Allotments

Submitted herewith on behalf of Good Karma as Attachment 1 is a Technical Exhibit prepared by Jonathan N. Edwards of du Treil, Lundin & Rackley, Inc., Good Karma’s consulting engineer. The Technical Exhibit demonstrates that the proposed allocation is in full accord with the Commission’s city grade coverage requirements. Technical Exhibit at 2. In addition, the proposed reallocation of WTLX’s Channel 263A to Monona fully complies with the Commission’s minimum distance separation requirements of Section 73.207 of the Commission’s Rules. Technical Exhibit at 2. The Technical Exhibit demonstrates that the proposed allotment of

¹ Good Karma notes that an AM Auction No. 84 participant has proposed to construct a new AM station to serve Monona. See FCC File No. BNP 20040129ATZ (Facility ID No. 161066). Because that application was not included in either of the lists of AM Auction No. 84 singleton applications, it appears that application is mutually exclusive with other applications filed during the filing window.

Channel 263A to Monona is mutually exclusive with WTLX's present allotment at Columbus. Technical Exhibit at 2.

IV. The Proposed Changes Will Result in a Preferential Arrangement of Allotments

The Commission's determination of whether a proposal will result in a preferential arrangement of allotments is based on two considerations: (i) that no amendment to the FM Table of Allotments will be permitted if the change will deprive any community of its only radio service; and (ii) whether the proposed allotment plan will yield a net service benefit to the communities involved. *Modification Report & Order* at 4873-74. This proposal satisfies both requirements.

In order to prevent the loss of the sole local transmission service in Columbus that would otherwise result from Good Karma's proposed reallocation of WTLX's Channel 263A from Columbus to Monona, Good Karma has filed on the date hereof an application for a construction permit to change the community of license of Good Karma's WTTN(AM), 1580 kHz, from Watertown, Wisconsin, to Columbus. FCC File No. CDBS20050118AJT (the "*WTTN Application*"). The WTTN Application was filed in connection with AM Auction No. 84. The Media Bureau has already determined that Good Karma's AM Auction 84 filing window application for WTTN (FCC File No. BMJP-20040129AGA) is not mutually exclusive with any other applications submitted in the filing window. DA 04-3596 (released November 17, 2004). The WTTN Application will be ripe for grant upon the expiration of the petition to deny period. With the relocation of WTTN(AM) to Columbus, Columbus will not be deprived of its only radio service through grant of the instant rule making proposal.

The uncertainties associated with backfilled allotments identified by the Commission in *Pacific Broadcasting of Missouri LLC* (FCC 03-18, released February 11, 2003, at para. 15) are not

present in this instance. Specifically, the WTTN Application will not be the subject of an auction - the Media Bureau has determined that it is not mutually exclusive with any other applications filed in during the AM Auction No. 84 filing window. The WTTN Application will be subject only to the Commission's routine application approval procedures. Moreover, Watertown, WTTN(AM)'s current community of license, will continue to be the community of license of one commercial radio station: Class B FM station WJJO(FM). In sum, Good Karma is taking steps to provide first local transmission service to a new community, Monona, while maintaining first local transmission service at Columbus.²

Upon the reallocation of Channel 263A to Monona, the number of persons within the WTLX 1 mV/m contour will increase from 116,000 to 405,000, a net increase in 1 mV/m coverage of 289,000 persons. The land area within the WTLX 1 mV/m contour will decrease slightly, from 2,430 square kilometers to 2,370 square kilometers. The loss area includes 34,200 persons within 1,450 square kilometers, while the gain area includes 323,000 persons within 1,390 square kilometers. The entire loss area is served by at least five currently licensed aural services. Technical Statement at 1, 3.

An examination of the Commission's FM allotment priorities confirms that the instant proposal will result in a preferential arrangement of allotments. The FM allotment priorities are: 1) first aural service; 2) second aural service; 3) first local service; and 4) other public interest matters. Equal weight is given to priorities 2 and 3. *FM Policies Order* at 101. Specifically, the reallocation of Channel 263A from Columbus to Monona will provide that city with its first local

² To the extent the Commission determines for any reason that this proposal is inconsistent with Section 73.3517 of the Commission's Rules (47 C.F.R. §73.3517), Good Karma respectfully requests a waiver of that rule on the basis of the public interest benefits of the proposed changes to the FM Table of Allotments, as more fully described below.

service, which serves priority 3, while retaining that Channel at Columbus would serve only priority 4 (other public interest matters), as Columbus is currently served by more than two aural reception services. The net population service gain resulting from this proposal also serves priority 4, particularly where the reception loss area is otherwise well served. This combination of benefits provides ample justification for the requested rule making.

V. Monona Is Entitled to a Comparative Credit for a First Local Service

The proposed reallocation of WTLX's Channel 263A to Monona will provide that city with its first local service. Because Columbus is located outside of the Madison Urbanized Area while Monona is largely encompassed by that urbanized area, a *Tuck* analysis is provided. *See Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988); *see also Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir. 1951), *RKO General, Inc. (KFRC)*, 5 FCC Rcd 3222 (1990). Pursuant to this analysis, the Commission considers the extent to which WTLX will provide service to the entire urbanized area, the relative populations of the suburban and central city, and, most importantly, the independence of the suburban community.

From its current site, the predicted 70 dBu contour of WTLX covers 1.6% of the Madison Urbanized Area. The station's predicted 70 dBu contour from the tower site proposed herein would cover 83% of that urbanized area. The population of Monona is 8,018, while the population of Madison is 208,054, as reported by the 2000 census conducted by the United States Census Bureau. However, the proposed Monona allotment should not be considered a Madison service because Monona is sufficiently independent of Madison to warrant its own local service.

The Commission has identified eight criteria by which it assesses the independence of a

specified community of license.³ It is not necessary to demonstrate that all eight factors are satisfied to establish Monona's independence from Madison. Rather, the Commission considers a community to be independent when a majority of the *Tuck* elements support such a conclusion. *See Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570 (MMB 1997) (approving change where a majority of *Tuck* factors were satisfied).

The city of Monona borders the city of Madison. However, Monona has its own local needs and issues of importance that are not shared by the residents of Madison. Monona is governed by a mayor-council form of government. The mayor, elected at large for a two-year term of office, together with six alderpersons, comprise the Monona Common Council. The Council serves as the legislative branch of city government. The Council also appoints a full-time City Administrator, who directs and coordinates the city's operations and services on a day-to-day basis. *See Exhibit 1 attached hereto.* The Council is structured with 16 governing bodies (committees, commissions or boards), including Appeal and Review, Broadband Telecommunications Advisory, Finance and Personnel, License Review, Parks and Recreation, Police and Fire, Public Safety, Public Works and Transit Authority, and 14 city departments, including Assessor, Building Inspection/Code Enforcement, Cable Television, City Clerk, Municipal Court, and Public Library, that oversee numerous community services. *See Exhibit 2 attached hereto.* The existence of this

³ These factors are: (1) the extent to which community residents work in the larger metropolitan area rather than in the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and central city are part of the same advertising market; (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services, such as police, fire protection, schools, and libraries. *Tuck*, 3 FCC at 5378.

substantial and independent local government confirms Monona' independence from Madison. *Anniston and Ashland, Alabama and College Park, Covington, Milledgeville, and Social Circle, Georgia*, 15 FCC Rcd 9971 (Allocations Branch 2000) (finding new community independent due to the existence of separate local government).

Monona does not rely on Madison to provide its residents with important municipal services. The Monona city government provides a full range of municipal services to its residents. The city has its own police, volunteer fire/emergency medical service and public works departments. *See* Exhibit 2 attached hereto. According to Ms. Karen Eley, Office Manager, Monona City Hall, Monona's Police Department has 18 police officers and its Public Works department has 11 employees. Monona's public works department is responsible for the maintenance and repair of streets, alleys, sidewalks and storm sewers, and other public works projects, and makes recommendations to the Council on all transportation related issues, including bus and taxi service and all other forms of public/mass transit. *See* Exhibit 2 attached hereto. A volunteer Fire Chief, appointed by the Police and Fire Commission, supervises Fire/EMS Department, and the Fire Prevention/EMS Director, supervises 6 full time employees that serve as firefighters/EMTs and fire inspectors. *Id.* Monona also operates, via a private subcontractor, its own bus transit system, which includes two services, the Monona Express, a regular commuting route, and Monona Lift, a transit service for the elderly and disabled. *Id.*

Monona is part of the Monona Grove School District, which serves the communities of Monona and Cottage Grove, among others, and includes one high school, one charter school, one middle school and four elementary schools. *See* Exhibit 3 attached hereto. The Monona Grove School District is independent of the Madison school district. These services further document

Monona's independence. *Scotland Neck and Pinetops, North Carolina* 7 FCC Rcd 5113 (1992) (holding, in part, that community was independent due to existence of police, fire and educational services).

Community leaders also consider Monona to be separate and distinct from Madison. Monona has its own Internet site created by local government officials (www.monona.wi.us) that contains extensive information about the community and city services. See Exhibits 1, 2 and 4 attached hereto. Such a community-focused website substantiates the conclusion that a community merits allotment of its own media outlet covering the community's local needs and interests. See *Albemarle, North Carolina*, 16 FCC Rcd 13876, 13881 (MMB 2001).

Monona has a vibrant commercial base with over 500 businesses. See Exhibit 5 (City of Monona Comprehensive Plan, Element 6-Economic Development at 6-2, adopted April 19, 2004. Four industries dominate employment in Monona: finance and insurance (13.5%); retail trade (13.1%); manufacturing (13.0%) and health care and social assistance (11.4%). *Id.* at 6-6. This substantial commercial base provides further evidence of Monona's independence. See *Bridgeton and Pennsauken, New Jersey*, 18 FCC Rcd 12192 (MB 2003) (evidence of local employment opportunities supported finding of community independence). According to the 2000 U.S. Census, 4,603 of Monona's residents are in the labor force. See Exhibit 5 at 6-5. Approximately 42% of the Monona labor force works either in Monona or outside of Madison. Moreover, approximately 7,500 people living outside of Monona commute into Monona for work, including more than 2,900 residents of Madison. *Residence MCD/County to Workplace MCD/County Flows for Wisconsin (Part 1 of 2)*: 2000, U.S. Census Bureau (Internet Release Date: July 25, 2003). In addition, there are six churches in Monona.

Although Monona no longer has a local newspaper dedicated solely to Monona, according to Ms. Eunis Minor, Manager of the Cottage Grove/Monona Herald-Independent (formerly the Monona Herald-Independent), the Cottage Grove/Monona Herald-Independent is an independent weekly newspaper that devotes a substantial portion of its coverage to issues of importance to the residents of Monona. Moreover, Monona operates its own local cable television channel, Monona School/Community Cable (City Cable Channel 12), that broadcasts approximately 30 hours of programming relating to Monona school and community issues. *See* Exhibit 2 attached hereto. The existence of this local newspaper and local cable channel are indications of Monona's independence. *Pleasanton, Bandera Hondo, and Schertz, Texas* 15 FCC Rcd 3068 (Allocations Branch 2000); *Crisfield, Maryland; Belle Haven, Cape Charles, Exmore, Nassawadox, and Poquoson, Virginia*, 18 FCC Rcd 19561 (Audio Division 2003). Finally, Monona has its own telephone book, published by the Monona Chamber of Commerce.

As the foregoing discussion establishes, Monona satisfies a majority of the *Tuck* factors and must be considered independent from Madison. Accordingly, because Monona is an independent community that otherwise satisfies the Commission's change in community of license policies, it is deserving of a first local transmission service. The Commission should therefore institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, as follows:


Channel Number		
Community	Present	Proposed
Columbus, WI	263A	- -
Menona, WI	- -	263A

Conclusion

For the reasons set forth herein, Good Karma respectfully requests that the Commission grant the instant request for rule making to amend the FM Table of Allotments by deleting Channel 263A at Columbus, Wisconsin, and assigning that channel for use at Monona, Wisconsin, as that community's first local aural service. Good Karma also requests that the Commission amend the license of WTLX to specify operation at its proposed new community of license. Finally, Good Karma submits that it will apply for that channel if reallocated as requested herein.

Respectfully submitted,

GOOD KARMA BROADCASTING, LLC

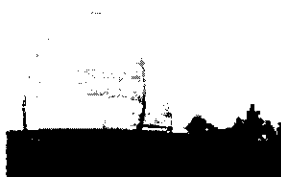
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January 18, 2005

Its Attorneys

EXHIBIT 1



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Municipal Government

The City of Monona operates under the laws of the State of Wisconsin as a city of the fourth class and uses a mayor-council form of government. The City Council appoints a full-time City Administrator who directs and coordinates the City's operations and services on a day-to-day basis.

The Mayor, elected at large for a two year term of office, together with six Alderpersons elected at large for two year, staggered terms, comprise the Monona Common Council. The Council serves as the legislative branch of city government, enacting ordinances and resolutions, approving the annual budget, setting policies and taking other actions to guide the operations of the City. Elections are held on a nonpartisan basis in April of each year, preceded by a February primary if there are more than double the candidates running for the seats available. At the annual organizational meeting in April, one Alderperson is elected Council President, functioning as "acting mayor" when necessary.

The Council regularly meets on the first and third Monday of each month at 7:30 p.m. in the Monona Community Media Room located in the Monona Public Library. Special meetings are also held when required. All meetings are open to the general public, although on occasion, the Council may meet in closed session to discuss a subject permitted by the Wisconsin Open Meeting Law to be held in closed session (e.g., personnel evaluations, labor negotiations or other strategic matters).

Public notice is given of all meetings, including closed sessions, with the notice stating the date, time, location and topics to be considered. All meeting notices are posted on the bulletin board located inside the lobby of City hall, sent to three local papers and shown live on City Cable Channel 12. The full agenda packet with copies of ordinances, resolutions, reports and other supporting documents is available for public review at the City Clerk's office prior to each meeting.

The Council enacts legislation and takes official action in various ways, operating under Robert's Rules of Order:

1. Motions

are used to approve, reject or table procedural matters, such as appointing members to boards, committees, and commissions, accepting reports, authorizing contracts, paying claims, giving direction to City Staff and similar routine business.

2. Ordinances

are local laws dealing with matters such as traffic, zoning, health and safety regulations, governmental organization, annexation, building and other construction codes, licenses, user fees, etc. Once an ordinance is adopted it can only be amended through enactment of another ordinance, and all ordinances must be published in the City's official newspaper before they become effective. Most ordinances of a general nature are compiled in a volume entitled the Code of Ordinances City of Monona or simply the "City Code".

3. Resolutions

are used to establish policy, express the opinion of the Council in a more formal manner, direct or authorize administrative action, offer official congratulations or appreciation on behalf of the City, or to make various ceremonial acts.

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The Council regularly meets on the first and third Monday of each month at 7:30 p.m. in the Community media Room located on the lower level of the Monona Public Library. Special meetings are also held when required. All meetings are open to the general public, although on occasion, the Council may meet in Closed session to discuss a subject permitted by the Wisconsin Open Meeting Law to be held in closed session (eg., personnel evaluations, labor negotiations or other strategic matters).

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City Administrator

The City Administrator is the chief administrative officer for the City and is appointed by the Mayor subject to confirmation by the City Council. He/she is responsible for the implementation of all policy decisions of the City Council and the enforcement of all City ordinances. The City Administrator recommends appointments to the Mayor, subject to confirmation by the City Council, and directly supervises the Managers of the City's Operating Departments and has general oversight of the Police, Fire/EMS, and Library Departments. Responsibility for the administration of all City contracts, execution of public improvements and construction, improvement and maintenance of all City properties and facilities lies with the City Administrator. He/she assists the Mayor in preparing and administering the annual budget and five year capital plan for submission to the City Council for consideration and approval consistent with State Law, presents recommendations and programs to the City Council, and participates in the discussions of all matters pertaining to his/her duties.

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Municipal Facilities

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222-2525

Police Department
5211 Schluter Road
222-0463

Fire & EMS Department
5211 Schluter Road
222-2528

Monona Public Library
1000 Nichols Road
222-6127

Monona Senior Center
1011 Nichols Road
222-3415

Monona Community Center
1011 Nichols Road
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Public Works Garage
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222-8161

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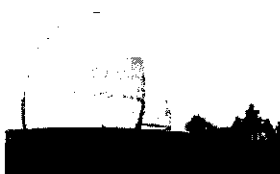
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Public Works Committee

The Public Works Committee has the duty, under the direction of the City Council, to superintend the construction and maintenance of streets, alleys, sidewalks, gutters, storm sewers, and other public works projects. The Committee reviews and makes recommendations to the City Council on all transportation related topics including bus service, taxis, bicycles and all forms of public and/or mass transit service, amendments or other revisions of the official map of the City, and the general operation of all municipal utilities.

Meets the first Wednesday of each month at 7:00 p.m. in the City Hall Conference Room.

Members

Peter McKeever, Chairman
HeartlakeC@aol.com

Douglas Wood, Co-Chairman
dougwood57@charter.net

Dennis Kugle

Randall Reeg

Betsy Powers

D. Bruce McConnell


Jeff Besch

Leslie Busse

James Hoelzel

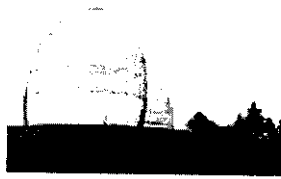
Gary Weinert, Public Works Director
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 agenda coming soon!

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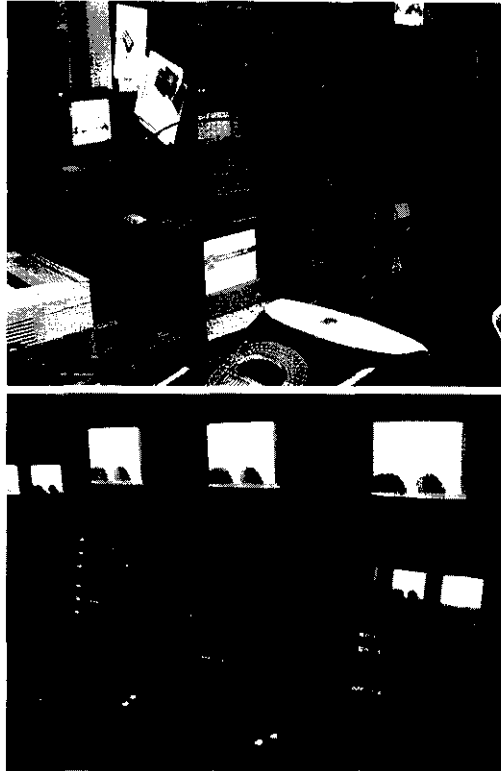


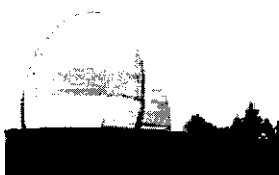
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Fire / EMS Services

The Monona Volunteer Fire and Emergency Medical Services Departments minimize the risk of death, injury, and/or property loss from fire, medical emergency, or disaster. In addition to providing a coordinated and timely response to emergencies, the Fire/EMS Department also attempts to enhance public safety through preventative activities such as code enforcement and public education programs.

A volunteer Fire Chief, appointed by the Police and Fire Commission, heads the Fire/EMS Department while the Fire Prevention/EMS Director oversees the day-to-day operation of the department, including supervising six full-time employees who serve as firefighters/EMT's and fire inspectors. The department is responsible for inspecting all commercial, industrial and multitenant residential buildings in the City to ensure compliance with State and local fire codes.

City of Monona Ambulance Notice of Privacy Practices

IMPORTANT: THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Purpose of this Notice: City of Monona Ambulance is required by law to maintain the privacy of certain confidential health care information, known as Protected Health Information or PHI, and to provide you with a notice of our legal duties and privacy practices with respect to your PHI. This Notice describes your legal rights, advises you of our privacy practices, and lets you know how City of Monona Ambulance is permitted to use and disclose PHI about you.

City of Monona Ambulance is also required to abide by the terms of the version of this Notice currently in effect. In most situations we may use this information as described in this Notice without your permission, but there are some situations where we may use it only after we obtain your written authorization, if we are required by law to do so.

Uses and Disclosures of PHI: City of Monona Ambulance may use PHI for the purposes of treatment, payment, and health care operations, in most cases without your written permission. Examples of our use of your PHI:

For treatment. This includes such things as verbal and written information that we obtain about you and use pertaining to your medical condition and treatment provided to you by us and other medical personnel (including doctors and nurses who give orders to allow us to provide treatment to you). It also includes information we give to other health care personnel to whom we transfer your care and treatment, and includes transfer of PHI via radio or telephone to the hospital or dispatch center as well as providing the hospital with a copy of the written record we create in the course of providing you with treatment and transport.

For payment. This includes any activities we must undertake in order to get reimbursed for the services we provide to you, including such things as organizing your PHI and submitting bills to insurance companies, management of billed claims for services rendered, medical necessity determinations and reviews, utilization review, and collection of outstanding accounts.

For health care operations. This includes quality assurance activities, licensing, and training programs to ensure that our personnel meet our standards of care and follow established policies and procedures, obtaining legal and financial services, conducting business planning, processing grievances and complaints, creating reports that do not individually identify you for data collection purposes, fundraising, and certain marketing activities.

Use and Disclosure of PHI Without Your Authorization. City of Monona Ambulance is permitted to use PHI *without* your written authorization, or opportunity to object in certain situations, including:

- For City of Monona Ambulance's use in treating you or in obtaining payment for services provided to you or in other health care operations;
- For the treatment activities of another health care provider;
- To another health care provider or entity for the payment activities of the provider or entity that receives the information (such as your hospital or insurance company);
- To another health care provider (such as the hospital to which you are transported) for the health care operations activities of the entity that receives the information as long as the entity receiving the information has or has had a relationship with you and the PHI pertains to that relationship;
- For health care fraud and abuse detection or for activities related to compliance with the law;
- To a family member, other relative, or close personal friend or other individual involved in your care if we obtain your verbal agreement to do so or if we give you an opportunity to object to such a disclosure and you do not raise an objection. We may also disclose health information to your family, relatives, or friends if we infer from the circumstances that you would not object. For example, we may assume you agree to our disclosure of your personal health information to your spouse when your spouse has called the ambulance for you. In situations where you are not capable of objecting (because you are not present or due to your incapacity or medical emergency), we may, in our professional judgment, determine that a disclosure to your family member, relative, or friend is in your best interest. In that situation, we will disclose only health information relevant to that person's involvement in your care. For example, we may inform the person who accompanied you in the ambulance that you have certain symptoms and we may give that person an update on your vital signs and treatment that is being administered by our ambulance crew;
- To a public health authority in certain situations such as reporting a birth, death or disease as required by law, as part of a public health investigation, to report child or adult abuse or

neglect or domestic violence, to report adverse events such as product defects, or to notify a person about exposure to a possible communicable disease as required by law;

- For health oversight activities including audits or government investigations, inspections, disciplinary proceedings, and other administrative or judicial actions undertaken by the government (or their contractors) by law to oversee the health care system;
- For judicial and administrative proceedings as required by a court or administrative order, or in some cases in response to a subpoena or other legal process;
- For law enforcement activities in limited situations, such as when there is a warrant for the request, or when the information is needed to locate a suspect or stop a crime;
- For military, national defense and security and other special government functions;
- To avert a serious threat to the health and safety of a person or the public at large;
- For workers' compensation purposes, and in compliance with workers' compensation laws;
- To coroners, medical examiners, and funeral directors for identifying a deceased person, determining cause of death, or carrying on their duties as authorized by law;
- If you are an organ donor, we may release health information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ donation and transplantation;
- For research projects, but this will be subject to strict oversight and approvals and health information will be released only when there is a minimal risk to your privacy and adequate safeguards are in place in accordance with the law;
- We may use or disclose health information about you in a way that does not personally identify you or reveal who you are.

Any other use or disclosure of PHI, other than those listed above will only be made with your written authorization, (the authorization must specifically identify the information we seek to use or disclose, as well as when and how we seek to use or disclose it). **You may revoke your authorization at any time, in writing, except to the extent that we have already used or disclosed medical information in reliance on that authorization.**

Patient Rights: As a patient, you have a number of rights with respect to the protection of your PHI, including:

The right to access, copy or inspect your PHI. This means you may come to our offices and inspect and copy most of the medical information about you that we maintain. We will normally provide you with access to this information within 30 days of your request. We may also charge you a reasonable fee for you to copy any medical information that you have the right to access. In limited circumstances, we may deny you access to your medical information, and you may appeal certain types of denials.

We have available forms to request access to your PHI and we will provide a written response if we deny you access and let you know your appeal rights. If you wish to inspect and copy your medical information, you should contact the privacy officer listed at the end of this Notice.

The right to amend your PHI. You have the right to ask us to amend written medical information that we may have about you. We will generally amend your information within 60 days of your request and will notify you when we have amended the information. We are permitted by law to deny your request to amend your medical information only in certain circumstances, like when we believe the information you have asked us to amend is correct. If you wish to request that we amend the medical

information that we have about you, you should contact the privacy officer listed at the end of this Notice.

The right to request an accounting of our use and disclosure of your PHI. You may request an accounting from us of certain disclosures of your medical information that we have made in the last six years prior to the date of your request. We are not required to give you an accounting of information we have used or disclosed for purposes of treatment, payment or health care operations, or when we share your health information with our business associates, like a medical facility from/to which we have transported you.

We are also not required to give you an accounting of our uses of protected health information for which you have already given us written authorization. If you wish to request an accounting of the medical information about you that we have used or disclosed that is not exempted from the accounting requirement, you should contact the privacy officer listed at the end of this Notice.

The right to request that we restrict the uses and disclosures of your PHI. You have the right to request that we restrict how we use and disclose your medical information that we have about you for treatment, payment or health care operations, or to restrict the information that is provided to family, friends and other individuals involved in your health care. But if you request a restriction and the information you asked us to restrict is needed to provide you with emergency treatment, then we may use the PHI or disclose the PHI to a health care provider to provide you with emergency treatment. City of Monona Ambulance is not required to agree to any restrictions you request, but any restrictions agreed to by City of Monona Ambulance are binding on City of Monona Ambulance.

Internet, Electronic Mail, and the Right to Obtain Copy of Paper Notice on Request. If we maintain a web site, we will prominently post a copy of this Notice on our web site and make the Notice available electronically through the web site. If you allow us, we will forward you this Notice by electronic mail instead of on paper and you may always request a paper copy of the Notice.

Revisions to the Notice: City of Monona Ambulance reserves the right to change the terms of this Notice at any time, and the changes will be effective immediately and will apply to all protected health information that we maintain. Any material changes to the Notice will be promptly posted in our facilities and posted to our web site, if we maintain one. You can get a copy of the latest version of this Notice by contacting the Privacy Officer identified below.

Your Legal Rights and Complaints: You also have the right to complain to us, or to the Secretary of the United States Department of Health and Human Services if you believe your privacy rights have been violated. You will not be retaliated against in any way for filing a complaint with us or to the government. Should you have any questions, comments or complaints you may direct all inquiries to the privacy officer listed at the end of this Notice. Individuals will not be retaliated against for filing a complaint.

We respect your privacy, and treat all health care information about our patients with care under strict policies of confidentiality that all of our staff are committed to following at all times. If you have any questions or if you wish to file a complaint or exercise any rights listed in this Notice, please contact:

Privacy Officer/Deputy Clerk
City of Monona Ambulance

Effective Date of the Notice: April 14, 2003

Assignment of Benefits (Billing) Authorization
Responsibility for Payment
Acknowledgement of Receipt of Notice of Privacy Rights and Practices

A copy of this form is as valid as the original.

Patient unable to sign because:

AMBULANCE COPY**PLEASE REMOVE SIGNED COPY
ATTACH TO RUN ADDENDUM****City of Monona Ambulance****Assignment of Benefits (Billing) Authorization
Responsibility for Payment
Acknowledgement of Receipt of Notice of Privacy Rights and Practices**

I understand that I am financially responsible for the services provided to me by City of Monona Ambulance ("City of Monona") regardless of insurance coverage. I request that payment of authorized Medicare or other insurance benefits be made on my behalf to City of Monona for any services provided to me by City of Monona.

I authorize and direct any holder of medical information or documentation about me to release to the Centers for Medicare and Medicaid Services and its carriers and agents, as well as to City of Monona and its billing agents and any other payers or insurers, any information or documentation needed to determine these benefits or benefits payable for any services provided to me by City of Monona, now or in the future.

I agree to immediately remit to City of Monona any payments that I receive directly from any source for the services provided to me and I assign all rights to such payments to City of Monona Ambulance.

I also acknowledge that I have received a copy of the City of Monona Ambulance Notice of Privacy Practices.

A copy of this form is as valid as the original.

Patient Signature

Date: _____

Patient Representative's Signature

Relationship to Patient

Patient unable to sign because:
